

TO: Mayor and Board of Trustees
FROM: Village Administrator Steve Stricker and Staff
SUBJECT: Regular Meeting of September 26, 2011
DATE: September 23, 2011

PLEDGE OF ALLEGIANCE:

Natasha Youssef, Pleasantdale Middle School

6. ORDINANCES

A. Amend Chapter 35 (STOP signs in Fieldstone Subdivision)

The Village of Burr Ridge Engineering Division has performed a regulatory analysis of a HOA request for additional STOP sign placement within the Fieldstone subdivision. Following, please find a summary of the findings:

Location Description: Additional regulatory signage has been requested at each intersection within the Fieldstone subdivision. Particularly, the requested locations include:

- 1) Fieldstone Drive/Plainfield entrance
- 2) Fieldstone Drive/unnamed eyebrow A
- 3) Fieldstone Drive/unnamed eyebrow B
- 4) Fieldstone Drive/Mallory Court
- 5) Fieldstone Drive/Fieldstone Court
- 6) Fieldstone Drive/Bridget Court
- 7) Fieldstone Drive/County Line Road entrance

At locations 2, 3, 4, 5, and 6, the intersection includes a clearly dominant roadway (Fieldstone Drive) intersected by a cul-de-sac entrance, or the entrance to an eyebrow roadway. At locations 1 and 7, the intersection includes entering traffic from a traffic signal (at Plainfield Road or County Line Road), which intersects with Fieldstone Drive within 100 feet. The locations 1 and 7 are the primary entrances to the subdivision; all locations are currently unmarked.

Regulatory Warrant/Guidance: The FHWA Manual on Uniform Traffic Control Devices, Section 2 warrants placement of STOP signs under the following condition(s):

FHWA MUTCD, Section 2B.05, Guidance A

“STOP signs should not be used unless engineering judgment indicates that one or more of the following conditions exist: A. Intersection of a less

important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonably safe operation”, FHWA MUTCD, Section 5B.02, Guidance

“STOP (R1-1) and YIELD (R1-2) signs (see Figure 5B-1) should be considered for use on low-volume roads where engineering judgment or study, consistent with the provisions of Sections 2B.04 to 2B.10, indicates that either of the following conditions applies:

- A. An intersection of a less-important road with a main road where application of the normal right-of-way rule might not be readily apparent.*
- B. An intersection that has restricted sight distance for the prevailing vehicle speeds.”*

The Engineering Division finds that the above referenced FHWA warrant(s) are met for the location 1 and 7.

Site & Practical Evaluation: Village staff has performed a search of recent traffic accidents in the Fieldstone subdivision, and one incident may have been influenced by stop control at location 1, which is similar in volume, control, and geometric orientation to location 7. Review of accident history and roadway geometry has been performed at each additional location and staff has found no field indications that stop control is necessary at locations 2, 3, 4, 5, or 6.

The Engineering Division finds that regulatory guidance, practical evaluation, engineering judgment and field observations do warrant placement of STOP signs at location 1 (Fieldstone Drive intersection with Plainfield Road entrance drive) and location 7 (Fieldstone Drive intersection with County Line Road entrance drive).

Therefore, it is our recommendation: that the installation of two-way STOP control to stop the Fieldstone Drive movement at 1) Plainfield Road entrance and 2) County Line Road entrance be approved.

B. Special Use (Z-20-2011: 118 Burr Ridge Parkway – Capri Mex)

Attached is an Ordinance granting special use approval to permit Capri Mex restaurant to provide sales of alcoholic beverage and to extend the hours of operation to 1 AM on Fridays and Saturdays and 12 midnight Sunday through Thursday. Capri Mex is a new restaurant located in County Line Square at 118 Burr Ridge Parkway. Also attached is a letter from the Plan Commission recommending approval of this request.

At the public hearing, the petitioner stated that there would be no outside sales or consumption of alcoholic beverages. The outdoor sidewalk seating will have no wait service and alcoholic beverages will be sold only to customers dining inside the restaurant.

It is our recommendation: that the Ordinance granting special use approval be approved.

C. Amend Chapter 25 (Liquor Licenses – Eddie Merlot’s and Capri Mex)

Attached please find an Ordinance amending the Liquor Control Ordinance to increase the number of Class H Liquor Licenses from four to six, thereby establishing liquor licenses for Capri Mex and Eddie Merlot’s.

It is our recommendation: that the Ordinance amending Section 25.09 of Chapter 25 of the Burr Ridge Municipal Code regarding Liquor Control be approved.

7. RESOLUTIONS

A. IGA for Environmental Health Inspection Services

Enclosed is a Resolution authorizing an agreement with the Cook County Health Department to provide health inspection services. The agreement is identical to that which has been signed in previous years, with no increase in the per-inspection fee of \$60.00. The fee is billed to the businesses for which an inspection is required.

It is our recommendation: that the Resolution be adopted.

8. CONSIDERATIONS

A. FY 2010-11 Audit

Enclosed separately please find the FY 2010-11 Audit. Dan Berg, firm partner with our auditors, Sikich, will be present on Monday evening to make a brief presentation on the audit and to answer any questions the Trustees might have.

It is our recommendation: that the FY 2010-11 Audit be received and filed.

B. Contract for Com Ed Transmission Line Related Tree Trimming

In 2009, the Village became party to an agreement with Com Ed which reduced the impact of proposed tree removal along the Com Ed transmission line corridor in Burr Ridge. As a function of this agreement, Com Ed dramatically decreased the severity of tree removal and trimming along this corridor and applied a specific, defined, trimming protocol for this corridor within the Burr Ridge corporate limits. Also as a function of this agreement, the Village agreed to absorb the cost of inter-cycle trimming if tree growth encroached on the specific clear zones as defined in the agreement, prior to the regularly scheduled Com Ed 5-year trimming cycle.

During the summer of 2011, the Village was contacted by Com Ed regarding their annual clearance survey, which had identified several encroachments into the clear zone. Com Ed estimated the cost of the necessary trimming at \$10,600 at that time. In order to document and corroborate these locations, Gary Gatlin, Village Arborist, and Chuck Stewart, Village Forester, met with Com Ed representatives and reviewed each location individually. The Village challenged the alleged clear zone encroachments at several locations, and Com Ed agreed to meet to discuss the locations and ensure application of the "Burr Ridge Standard" to the corridor. Also during this time, a very hot weather period occurred, which caused additional line sag, and which prompted "emergency trimming" by Com Ed, whereby several trees were trimmed (at Com Ed's cost).

After meeting with Village officials, Com Ed agreed to revise their trimming list based upon Village negotiation, which resulted in a reduction in the estimated expenditure to \$8,600 as opposed to \$10,600 as originally proposed. Nonetheless, the Village still believed that Com Ed's estimation of the labor was excessively high, so the Village solicited alternative pricing from contractors that are authorized for work within the Com Ed clear zones. Despite contacting several vendors, we received a response from only two contractors: ABC Professional Tree Service and Kramer Tree Specialists. The cost proposal from ABC was \$7,955, and the cost from Kramer was \$4,999.70, which includes a "winter discount" to perform the work in December, 2011.

It is our recommendation: that a contract for Com Ed transmission line trimming be awarded to Kramer Tree Specialists, of West Chicago, in an amount not to exceed \$4,999.70.

C. Plan Commission Recommendation – Special Use (Wok N Fire)

Please find attached a letter from the Plan Commission recommending approval of a request by Wok N Fire for special use approvals to permit a restaurant with sales of alcoholic beverages and live entertainment, with extended hours of operation, and with an outdoor dining area. The restaurant would be located at 590 Village Center Drive in the Burr Ridge Village Center.

The Plan Commission considered three separate motions for the various special use requests. In regards to the restaurant with alcoholic beverage sales and live entertainment, the Plan Commission unanimously agreed that this was consistent with the Village Center and surrounding land uses.

The Plan Commission did have concerns about the request for a 2 AM closing on Fridays and Saturdays. Although the petitioner stated that the 2 AM closing would be for private parties only, the Commission did not want to set a precedent by recommending a 2 AM closing and preferred to defer to the Board of Trustees. All other restaurants in the Village Center and surrounding area are limited to 1 AM closings on Fridays and

Saturdays.

The Commission also agreed unanimously that the outdoor dining area was appropriate for this location. The petitioner plans to enclose the outdoor patio for winter use and plans to provide a small sidewalk seating area in front of the restaurant. The petitioner did not provide plans for these specific improvements and the Commission asked that those plans be submitted to them for further review.

It is our recommendation: that the Board direct staff to prepare an Ordinance granting special use approval as recommended except that the hours of operation would include an exception to allow the restaurant to stay open until 2 AM on Fridays and Saturdays for private, invitation-only events.

D. Abandoned Foundation in Savoy Club (8050 Savoy Club Court)

The vacant lots at the Savoy Club PUD are still under ownership of First Merit Bank. The Bank foreclosed on the property and took over ownership earlier this year. The Board will recall that in May of 2010, the original developer was given a one year extension of a building permit to allow a foundation to remain without proceeding with construction of a home. The developer built the foundation but, due to the financial issues, did not proceed with any vertical construction. The Board's one year extension was extended earlier this summer to September 26, 2011.

Attached is a letter from the bank's property management company asking for more time to proceed with the construction of a home on this existing foundation. The letter indicates that there is a potential buyer who would complete the construction of a home on the foundation. However, no specifics are provided and there is not yet a signed contract.

The homeowners in Savoy Club have expressed to staff their desire to see the foundation removed and the property regarded and landscaped. The foundation has sat abandoned for three years. There are occupied homes on both sides of the foundation with one of the homes having living space and windows overlooking the foundation.

A rough cost estimate for removal of the foundation and restoration of the lot is approximately \$7,000. If the Board does not grant another extension, staff will request that the bank remove the foundation within a certain time frame (perhaps 2 to 3 weeks). If the bank fails to remove the foundation in time, staff would proceed with the work using the \$5,000 performance bond posted by the developer with any additional funds invoiced to the bank. If the bank failed to pay, a lien would be placed on the property and no future building permit issued until the balance is paid.

It is our recommendation: that the Board deny the extension of the building permit and direct staff to proceed with removal of the foundation as described herein.

E. Engineering Contract (Madison/North Frontage Traffic Signal)

The Village has been awarded grant funds for the construction of a traffic signal at Madison Street and North Frontage Road. The Village has secured additional funding from DuPage County and IDOT toward the project, and the letting recently took place. Construction will commence in spring, 2013. Therefore, it is now necessary to assign a contract for Phase III services for this project (construction engineering). The Phase III work will include full-time construction observation and preparation of contract documents in accordance with IDOT and FHWA standards (see detailed scope attached).

The Village has been very pleased with the competency, reliability, and proficiency of the Phase II Engineering Consultant, HDR Engineering, and recommends continuing to utilize their services for Phase III work. Since this project is funded by several parties (FHWA, IDOT, DuPage County, and Burr Ridge), it was necessary to find a Phase III consultant who was acceptable to all contributors. Each party is amenable to the utilization of HDR for this purpose, so the Village has negotiated a contract for this work, and all parties have agreed to their share of the cost. It should be noted that the entire cost for construction and consulting services for this project will be borne by grants and contributions from other parties (see funding memorandum, attached).

It is our recommendation: that Phase III Engineering Services for construction of a traffic signal at Madison Street and Joliet Road be awarded to HDR Engineering, in an amount not to exceed \$88,865.41.

F. Plan Commission Recommendation – Special Use (Paganis)

Please find attached a letter from the Plan Commission recommending approval of a request by Mrs. Jessica Paganis for special use approval as to permit a “School, workshop, training center for developmentally disabled persons” in an existing tenant space. The proposed business would occupy a tenant space within the property located at 16W241 South Frontage Road.

The Plan Commission determined that the business would not impact any adjacent properties and sufficient parking is available. The business would have no more than four employees and visitation would be generally limited to one child or family at any given time. There was no one from the public to speak at the public hearing.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance approving this special use request as recommended.

G. Plan Commission Recommendation – Special Use/Variation (Straub)

Please find attached a letter from the Plan Commission recommending

approval of a request by Michael Straub for special use approval to permit a fence to be erected on a non-residential property and for a variation to permit said fence on a property without a principal use or building rather than the requirement that accessory structures precede the principal building.

The subject property is unimproved but is zoned for office use. The petitioner plans to construct an office building in the future. The intent of the fence is to provide screening between a non-residential property and the residences to the north. The fence would remain in place after an office building is constructed. There were no public comments at the hearing.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare Ordinances approving this special use and variation request as recommended.

H. Contract for 2011 Crack-Filling Program

The Burr Ridge Engineering Division has prepared contract documents and advertised for bids for the 2011 Crack-filling program. Crack-filling is a process through which cracks in the roadway surface are routed out, cleaned, and filled with a sealant. This process reduces the potential for water to permeate the roadway surface, which protects the roadway from damage caused by water infiltration and ice expansion. Crack-filling is an effective and economical means of preventative roadway maintenance, which will result in reduced annual maintenance expenses and which will increase the useful life of the roadway. The 2011 budget includes \$30K for crack-filling improvements.

A bidder solicitation was published in the IDOT Contractors bid solicitation. Nonetheless, the Village received only two bids for this project. The Engineer's estimate is \$30,000. The low bid for this project is SKC Construction, in the amount of \$23,894.80. The bid results are as follows:

Engineer's Estimate	\$ 30,000.00
SKC Construction, Inc.	\$ 23,894.80
Denler, Inc.	\$ 24,312.80

It should be noted that staff had prepared this item for consideration by the Village Board at the August 22 Board meeting, with the intent to authorize the contract and have construction completed by mid-September. However, the Village was notified by the Illinois Department of Labor, through IDOT, that the award of this project had been protested as it pertains to the contractor's compliance with the Apprenticeship and Training Program (Public Act 93-0642). Evaluation of that protest has been concluded, and IDOT has found the low bid contractor to be compliant with all State laws (see attached).

It is our recommendation: that the contract for the 2011 Crackfilling

program be awarded to SKC Construction, Inc., in the amount of \$23,894.80.

I. Contract for 2011 Sidewalk Program

Construction documents have been prepared for the 2011 Sidewalk program, which includes 1) construction of a new sidewalk on the south side of Plainfield Road between Manor Drive and Hillcrest Road, 2) a cross-walk and associated sidewalk improvements at 60th and County Line Road, and 3) the repair of trip hazards at 28 locations within the Village. Solicitation for bid was published in the Suburban Life newspaper, and five contractors purchased bid plans.

Bids were opened publicly on September 22, 2011, and received as follows:

Engineer's Estimate	\$ 113,000.00
Davis Concrete Construction Co.	\$ 74,572.50
Wallace Paving Company	\$ 79,960.00
Globe Construction Company	\$ 105,027.04
D'Land Construction Company	no bid
Construction Software Company	no bid

No errors or omissions were identified in the review of the lowest bids. Davis Construction Company has been awarded work in the Village previously, and work has been satisfactory. This project is currently pending CCHD permit approval, which is expected imminently. Work is expected to be completed this fall, should the permits be received in a timely manner. If the permit process is further delayed, work will be completed in early Spring, 2012.

It is our recommendation: that the contract for the 2011 Sidewalk Program be awarded to the lowest responsible bidder, Davis Concrete Construction Company, in the amount of \$74,572.50.

J. Proclamation – Walk Our Children to School Day

Enclosed is a proclamation designating October 5, 2011, as “International Walk to School Day” in the Village of Burr Ridge, as requested by Elementary School District 181.

It is our recommendation: that the Proclamation be approved.

K. Approval of Vendor List

Enclosed is the Vendor List in the amount of \$415,150.65 for all funds, plus \$189,901.13 for payroll, for a grand total of \$605,051.78.

It is our recommendation: that the Vendor List be approved.